

## **REMARKS**

### ***Summary of Changes Made***

The application was filed with 20 claims. Presently, claims 1, 5, 8, 13, 15, and 17 are amended. Claims 5, 8, 13, and 17 are amended to fully independent form, while claims 1 and 15 are amended to reflect different oxide ranges. Accordingly, claims 1-20 remain pending in the application. No new matter is added by this amendment.

### ***Claim Rejections – 35 U.S.C. 102(b) (Yuriditsky)***

Claims 1-4, 6, 14-16, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuriditsky et al., U.S. 2004/0018932, (“Yuriditsky”). The Examiner contends that Yuriditsky teaches a porcelain enamel glass frit composition having a metallic appearance comprising component oxides in amounts that fall within the scope of the instant claims as set forth in paragraph 55 thereof.

The Examiner notes that the porcelain enamels of Yuriditsky are stated to be useful as a coating layer on appliances, paragraph 7. The Examiner further contends that the frit taught in paragraph 55 anticipates the compositions of both the first frit and the clear/semi-opaque frit recited in claim 14.

The Examiner will note that claims 1 and 15 are amended, in pertinent part, to recite that the  $\text{NO}_2$  and  $\text{Al}_2\text{O}_3$  are required, and not optional. The amended amount of  $\text{NO}_2$  is 0.01 to 6 wt% of the glass frit, while the amended amount of  $\text{Al}_2\text{O}_3$  is 0.6 to 3 wt% of the glass frit. Support for the  $\text{NO}_2$  amendment can be found in table 1 and the first sentence of paragraph 13 of the specification. Support for the  $\text{Al}_2\text{O}_3$  amendment can be found in table 3 of the specification.

Neither Yuriditsky nor Hanzlik discloses the presence of  $\text{NO}_2$  in a glass frit. Hanzlik fails to disclose the use of  $\text{Al}_2\text{O}_3$  in any glass frit, while Yuriditsky discloses the use of only 0.4 wt%  $\text{Al}_2\text{O}_3$  in a glass frit. Yuriditsky further fails to disclose the presence of  $\text{ZrO}_2$  or an oxide embraced by the formula RO (alkaline earth metal oxide).

Further, inasmuch as claims 5, 8-13 and 17 are directed to allowable subject matter, with claims 5, 8, and 13 being amended herein to fully independent form, Applicants submit that claims 6, 14, and 18-20, which depend from one of the amended and allowable claims, are themselves in condition for allowance.

Based on the foregoing, the formulation as claimed in claims 1, 15, and 19 fall outside the teachings of Yuriditsky and Hanzlik and are accordingly patentable thereover. The claims dependent therefrom (2-4, 6, 14, and 18- 20) are thus patentable over Yuriditsky and Hanzlik. Applicants respectfully request withdrawal of the rejection.

***Claim Rejections – 35 U.S.C. 102(b) (Hanzlik)***

Claims 1-4, 6, 7, 14-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanzlik, et al., U.S. 3,556,821, (“Hanzlik”). The Examiner contends that the reference teaches formation of a porcelain enamel glass frit for coating appliances comprising component oxides in amounts that fall within the scope of the instant claims. See Table IV. The porcelain enamel glass frits are combined with various mill additions (including clay, for example) to prepare them for use. With respect to claim 14, the frit taught in Table IV anticipates the compositions of both the first frit and the clear/semi-opaque frit recited in claim 14. The Examiner states that, because the frit of Hanzlik anticipates both the first and the second claimed frits, it is indistinguishable from a mixture of two frits having the same composition in a ratio of 1:1 to 9:1, as recited in claim 15.

For the reasons detailed hereinabove, all of claims 1-4, 6, 7, 14-16 and 18-20 are patentable over Hanzlik, and an acknowledgement of that fact is respectfully requested from the Examiner.

***Allowable Subject Matter***

The Examiner states that claims 5, 8-13 and 17 to be directed to allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner will note that Claims 5, 8, 13, and 17 are amended to fully independent form. Claims 9-12 retain their original wording. By virtue of their dependency on claim 8, it is believed that claims 9-12 are also in condition for allowance.

## **CONCLUSION**

Based on the foregoing, the Applicants respectfully request entry of the instant amendment and a Notice of Allowability for claims 1-20. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application. If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 06-0625, our Order No. FER-15972.001.

Respectfully submitted,

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